

## REMARKS

By this amendment, Claims 1, 3, 4, 5, 7-9, 13, 14, 16-18, 36-41, and 57-59 are amended and Claims 10-12, 15, 24-35, 42-55, and 60-64 are canceled. Dependent Claims 2, 6, and 19-23 remain in their original form, albeit depending from amended independent claims. In view of the amendments and remarks, Applicant respectfully asserts that the objections and rejections are now moot, and that pending claims are in condition for allowance.

### **Claim Rejections – 35 U.S.C. §102 and §103**

In the Office Action, Claims 1-15, 19-35, 39-56, 60, 61, and 64 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,411,908 to Talbott. Claims 62 and 63 were also rejected under 35 U.S.C. §103(a) as being unpatentable over Talbott in combination with U.S. Patent No. 6,865,513 to Ushiku et al.

Independent Claims 1, 13, 24, 33, 42, and 53 were rejected on the basis of Talbott. Of these, Claims 24, 33, 42, and 53 were canceled. The remaining claims, 1 and 13, were amended to further distinguish the present invention from Talbott. More specifically, independent claims 1 and 13 have been amended to recite that the means for calculating the life remaining in the machine uses operator input data or historical data in combination with the load factor rating and rotational speed of the machine.

Talbott discloses systems and methods for estimating the life remaining in a machine based on historical information collected from same-type machines in the same-type environments that have failed. (Abstract). More specifically, Talbott discloses the use of historical data curves for establishing conditional forecasts of machines, including remaining machine life and other performance output metrics. The variables for determining same type of machines may include operating environment variables such as load or ambient temperature (Col. 3, lines 60-67).

The present invention, unlike Talbott, determines the life remaining in a machine using calculations based on historical information and machine information, such as the load factor rating and rotational speed of the machine. Whereas environmental conditions may be used to identify similar type machines in the system of Talbott, such information is used to identify historical information that is used, by itself, to determine the life expectancy of a machine. The present invention, in contrast, uses data corresponding to a particular machine, such as the

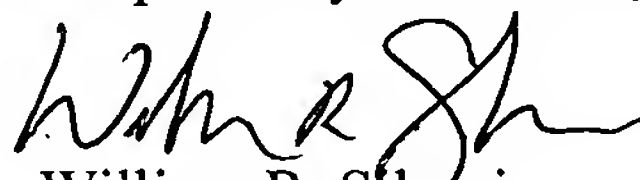
rotational speed of the machine, in combination with historical information to assess the life remaining in a machine. Although this process is more complicated than the system described in Talbott, it provides more accurate life estimates that may be used to determine when a machine should be replaced. Applicant also respectfully asserts that Ushiku does not disclose a life calculation as set forth in the amended claims. As a result, Applicant respectfully asserts that Claims 1 and 13, and the claims depending there from, are allowable.

Applicant also notes that the claims objected to in the Office Action, Claims 16-18, 36-38, and 57-59 have been rewritten in independent form to include all of the limitations of the base claim on which they depended. Therefore, Applicant respectfully submits that those claims are allowable, as are any claims depending there from.

### **Conclusion**

It is not believed that extensions of time or fees for addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

Respectfully submitted,



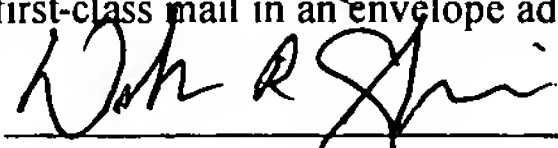
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I hereby certify that this paper, along with any paper referred to as being attached or enclosed, is being deposited with the United States Postal Service on August 31, 2005, with sufficient postage as first-class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450



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